

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 18 May 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

Staff Contact: George Garrett

AGENDA ITEM WORDING:

Approval to utilize site mitigation funds (\$294,708.08) appropriated by the BOCC on 18 August 2004 to the Key Largo Wastewater Treatment District for any of the potential restoration options approved by FEMA, including the restoration of historic elevations on a site in North Key Largo.

ITEM BACKGROUND:

The BOCC approved the appropriation of \$294,708.08 to the Key Largo Wastewater Treatment District as mitigations funds to offset the clearing of approximately 2.4 acres of hammock on the District's approved wastewater treatment plant site at MM 100.5. The minutes of the meeting specify that the money is to be used for "plant material." The funds are actually intended to be used for a broad range of mitigation options spelled out in a letter of 24 June 2004 from Monroe County to Charles Beck of FEMA. FEMA approved these options. One option for a state property in North Key Largo requires the restoration of historical habitat elevations. No plant material would be provided in this option as the state has native plant material to restore the site with. However, FDEP doesn't currently have funds to restore appropriate elevations. The Wastewater Treatment District would like to use the mitigation funds to pay for restoration and requests the Board's assurance that funds can be utilized in this manner.

PREVIOUS RELEVANT BOCC ACTION:

18 August 2005 – approval of mitigation funds (\$294,708.08)

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: \$294,708.08

BUDGETED: Yes No

COST TO COUNTY: \$294,708.08

SOURCE OF FUNDS: Fund 304

REVENUE PRODUCING: Yes No X **AMOUNT Per Month** **Year**

APPROVED BY: County Atty NA OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL: 
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included To Follow Not Required

DISPOSITION:

AGENDA ITEM NO.:

Roberts, and Richard Collins, County Attorney also addressed the Board. After discussion, motion was made by Commissioner McCoy and seconded by Commissioner Spehar to approve the document and to find a funding mechanism to facilitate the operation as presented or Monroe County assume responsibility for taking care of American's with Disabilities and their pets. Roll call vote was unanimous.

WASTEWATER ISSUES

Motion was made by Commissioner Neugent and seconded by Commissioner Rice granting approval to provide the Key Largo Wastewater Treatment District mitigation dollars for the wastewater site in the amount of \$294,708.08 for plant material. Motion carried unanimously. Mr. Roberts addressed the Board.

DIVISION OF GROWTH MANAGEMENT

I3 Mr. Garrett addressed the Board concerning direction to Staff on Card Sound Road boat ramp project near the County Card Sound Toll Booth. Mayor Nelson addressed the Board. No official action was taken.

COUNTY ATTORNEY

Bob Shillinger, Assistant County Attorney addressed the Board concerning the following four Settlement Agreements:

Monroe County v. Gertrude and Patrick Waters, Case No. M8-98-201.

Monroe County v. Michael E. & Laura M. Todd, Case No. U5-95-453.

Monroe County v. David J. Laquerre, Case No. CE03050022.

Monroe County v. Gaston E. Legorburu, Jr., Case No. CE03110077.

After discussion, motion was made by Commissioner Neugent and seconded by Commissioner Rice to accept the above Settlement Agreements, with an amendment to the Agreement with the Todd's (Case No. U5-95-453) in the amount of \$150.00 as recommended by the Mayor. Motion carried unanimously.

Mr. Collins addressed the Board concerning approval of a Consent of Landlord to Assignment from Monroe County to Canalis Holding Corp. to Earthmark Co. to Ocean Sunrise Associates. After discussion, motion was made by Commissioner Neugent and seconded by Commissioner McCoy granting approval and authorizing execution of the Assignment. Motion carried unanimously.